



Gr 1163714

Attorney Docket No. 294-78

In re Application of: Van Ommen, et al.

Serial No.: 09/445,174

Confirmation No.: 9590

Filed: April 24, 2000

For: DIAGNOSTIC TEST KIT FOR  
DETERMINING A PREDISPOSITION FOR  
BREAST AND OVARIAN CANCER,  
MATERIALS AND METHODS FOR SUCH  
DETERMINATION

I hereby certify this correspondence is being deposited  
with the United States Postal Service as first class mail,  
postpaid in an envelope, addressed to:  
Commissioner for Patents, Washington, D.C. 20231

on December 3, 2002

Signature: [Signature]

RECEIVED

DEC 12 2002

RECEIVED

DEC 21 2002

COMMISSIONER FOR PATENTS  
Washington, DC 20231

Sir:

TECH CENTER 1600/2900

TECH CENTER 1600/2900

Transmitted herewith is an Amendment in the above-identified application.

- ☒ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☐ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 20	MINUS	** 41	=
INDEP.	* 4	MINUS	*** 3	= 1

SMALL ENTITY	
RATE	ADDL. FEE
x 9=	\$
x 42=	\$42.00
x 140=	\$
TOTAL	\$ 42.00

OR

OTHER THAN A SMALL ENTITY	
RATE	ADDL. FEE
x 18=	\$
x 84=	\$
x 280=	\$
TOTAL	\$ 0.00

OR

☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS

- \* If the entry in Column 1 is less than the entry in Column 2, write "0" in Column 3.  
\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" in this space is less than 20, write "20" in this space.  
\*\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" in this space is less than 3, write "3" in this space. The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest number found from the equivalent box in Column 1 of a prior amendment or the number of claims originally filed.

- ☐ Please charge my Deposit Account No. 08-2461 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.
- ☒ A check in the amount of \$42.00 is attached.
- ☒ The Commissioner is hereby authorized to charge any fees or additional fees associated with this communication or credit any overpayment to Deposit Account No. 08-2461. A duplicate copy of this sheet is attached.
- ☒ Any filing fees under 37 C.F.R. 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791  
(516) 822-3550

Respectfully submitted,

[Signature]  
Irving N. Feit  
Registration No. 28,601



#2916 58  
12/13/02  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

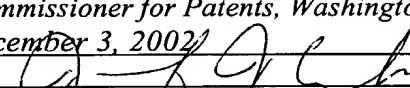
Applicant(s): Van Ommen, et al. Examiner: J. Fredman  
Serial No.: 09/445,174 Group Art Unit: 1637  
Filed: April 24, 2000 Docket: 294-78  
For: DIAGNOSTIC TEST KIT FOR DETERMINING A  
PREDISPOSITION FOR  
BREAST AND OVARIAN  
CANCER, MATERIALS AND  
METHODS FOR SUCH  
DETERMINATION Dated: December 3, 2002

**RECEIVED**

DEC 12 21 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents  
Washington, DC 20231

*I hereby certify this correspondence is being sent by  
First Class Mail, postage prepaid and addressed to:  
Assistant Commissioner for Patents, Washington, D.C.  
20231 on December 3, 2002*  
Signature: 

**AMENDMENT UNDER 37 C.F.R. §1.111**

Sir:

In response to the Non-final Office Action in the above-captioned case issued by the U.S. Patent and Trademark Office on June 3, 2002, Applicants submit the following amendments and remarks:

In the claims:

Please cancel claims 19-55 and add new claims 56-71 as follows:

15. (Amended) A diagnostic test kit for detecting a predisposition for breast cancer, comprising a means for detecting the presence in a sample of a nucleic acid derived from a BRCA1 gene having a deletion of a stretch of nucleotides in the BRCA1 gene, wherein said deletion comprises exon 13 or exon 22.

16. A diagnostic test kit according to claim 15, wherein the means comprises at least one probe for hybridization.

17. A diagnostic test kit according to claim 15, wherein the means comprises the necessary elements for Southern blotting.

G1

12/11/2002 WABDELRI 00000037 09445174

02 FC:2201

42.00 DP